

AO 91 (Rev. 08/09) Criminal Complaint

UNITED STATES DISTRICT COURT

for the
Southern District of TexasUnited States District Court
Southern District of Texas
FILED

MAR 12 2018

Clerk of Court

- United States of America)
 1. Jorge Montoya-Rivera)
 YOB: 1966 CITIZENSHIP: Mexico)
 2. Dante Jaime Yoplac-Augustin)
 YOB: 1979 CITIZENSHIP: Mexico)

Case No.

M-18-0514-M

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of March 11, 2018 in the county of Hidalgo in the
Southern District of Texas, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
21 U.S.C. § 841	Did knowingly and intentionally possess with the intent to distribute approximately 38.06 kilograms of cocaine, a Schedule II controlled substance.
21 U.S.C. § 846	Did knowingly and intentionally conspire and agree with other person or persons known and unknown, to knowingly and intentionally possess with intent to distribute approximately 38.06 kilograms of cocaine, a Schedule II controlled substance.

This criminal complaint is based on these facts:

SEE ATTACHMENT "A"

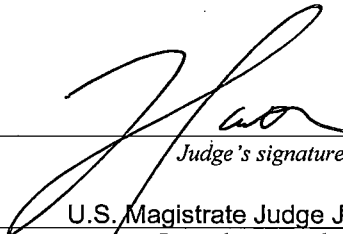
✓ Continued on the attached sheet.


 Complainant's signature
 Irineo Garza Jr., U.S. HSI Special Agent
 Printed name and title

Sworn to before me and signed in my presence.

Approved Joseph Leonard

Date: 3/12/2018City and state: McAllen, Texas


 Judge's signature
 U.S. Magistrate Judge J. Scott Hacker
 Printed name and title

"Attachment A"

On March 11, 2018, Department of Homeland Security (DHS), Homeland Security Investigations McAllen, Texas Office (HSI McAllen) received information from Customs and Border Protection (CBP), Office of Field Operations (OFO), Hidalgo, Texas Port of Entry (Hidalgo POE) in reference to the seizure of 35 bundles of a white powdery substance which tested positive for the properties of cocaine. The total weight of the 35 bundles was approximately 38.06 kilograms. The cocaine was located within a hidden compartment in a vehicle attempting to make entry into the United States from Mexico. The driver of the vehicle was identified as Jorge MONTOYA-Rivera. A second individual, who was crossing into the United States from Mexico on foot at approximately the same time, was also found to be involved in this violation and was identified as Dante Jaime YOPLAC-Augustin.

During a post Miranda interview, MONTOYA-Rivera stated he was the owner of the vehicle in which the narcotics were discovered. MONTOYA-Rivera stated the vehicle had been placed under his name by a person in Mexico. MONTOYA-Rivera stated YOPLAC-Augustin had introduced him to this individual. MONTOYA-Rivera stated he was able to use the vehicle for his personal use, due to the fact of him needing a vehicle. MONTOYA-Rivera stated he paid very small payments for the vehicle, which would not be consistent with a normal payment for the type of vehicle. MONTOYA-Rivera stated a few days prior to today's crossing, he had turned the vehicle over to other individuals in Mexico. MONTOYA-Rivera stated the vehicle had been returned to him this morning. MONTOYA-Rivera stated, on a previous occasion, once he crossed into the United States, he was called and instructed to turn the vehicle over to another person. A short time later, the vehicle was returned to him. MONTOYA-Rivera stated he suspected there were narcotics in the vehicle, but did not want to ask which type. MONTOYA-Rivera stated he suspected the vehicle would be loaded with marijuana. MONTOYA-Rivera stated he suspected the vehicle was loaded with narcotics on four previous occasions where he crossed into the United States. MONTOYA-Rivera stated he did not receive monetary compensation, but was allowed to use the vehicle as his own and believed that to be his payment.

During a post Miranda interview, YOPLAC-Augustin stated he knew MONTOYA-Rivera. YOPLAC-Augustin stated on the previous Sunday (March 4, 2018), he had picked up the vehicle from MONTOYA-Rivera, once it crossed into the United States, and taken it to another location where it was turned over to another subject. The vehicle was then returned to him and he in turn returned it to MONTOYA-Rivera. YOPLAC-Augustin stated he was called early in the morning by a male subject and told to cross into the United States. YOPLAC-Augustin stated he was told he would be picking up the vehicle from MONTOYA-Rivera. YOPLAC-Augustin stated, he assumed, the only logical thing that could be in the vehicle was drugs, but he did not want to ask his employers. YOPLAC-Augustin stated he was in debt to cartel members for 50,000 Mexican Pesos. YOPLAC-Augustin stated performing these actions were how he was going to pay down his debt.